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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF ARIZONA

8 United States of America,
9 Plaintiff,
10 vs.
11 Luis Enrique Sanchez-Rios,
12 Defendant.

No. 08-0510-M (LOA)
ORDER GRANTING PARTIES'
JOINT MOTION TO EXTEND
TIME TO INDICT

13 HAVING considered the parties' Joint Motion for Extension of Time to
14 Indict and good cause having been shown;

15 THE COURT makes the following findings:

- 16 1. Counsel for defendant has only recently been appointed;
17 2. The defendant earnestly wishes to consider the plea offer extended by
18 the government;
19 3. The defendant wishes to investigate possible defenses prior to
20 considering the government's plea offer, which is made pursuant to
21 a 'fast track' early disposition program authorized by the Department
22 of Justice pursuant to § 401(m) of the Prosecuting Remedies and
23 Tools Against the Exploitation of Children Today Act of 2003
(PROTECT Act), Pub. L. 108-21, 117 Stat. 650 (Apr. 30, 2003);
24 4. The government's plea offer, if accepted by the defendant and then
25 the court, would likely reduce defendant's exposure to a significant
26 term of imprisonment;
27 5. If the defendant does not timely accept the plea offer prior to
28 indictment, the government will withdraw said plea offer and any
subsequent plea offer after indictment would likely be less
advantageous to the defendant;
6. Failure to extend time for indictment in this instance would thus
operate to bar defendant from reviewing the government's plea offer
in a meaningful way prior to indictment;

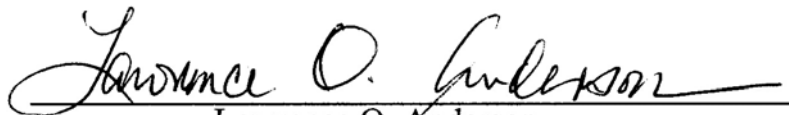
7. Granting an extension of time for indictment in this case is likely to result in the case being resolved earlier, which would further the public's interest in the timely and efficient administration of justice; and
8. The ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy indictment.

The Court therefore concludes that the ends of justice are best served by granting an extension of time to present the case to the grand jury and in excluding a period of thirty (30) days under the Speedy Trial Act. In making this determination, the Court has particularly taken into account that the failure to grant the Defendant's request "would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." 18 U.S.C. § 3161(h)(8)(B)(iv).

IT IS HEREBY ORDERED that the parties' Joint Motion for Extension of Time to Indict requesting an extension of thirty (30) days within which the government may seek to indict defendant, is hereby granted.

IT IS FURTHER ORDERED that pursuant to the Speedy Trial Act, 18 U.S.C. § 3161, the Government shall have an extension of thirty (30) days to file a timely Indictment. Excludable time shall begin to run on the 31st day after arrest for a period of thirty (30) days in which the Government may present the case to the grand jury.

DATED this 16th day of December, 2008.


Lawrence O. Anderson
United States Magistrate Judge